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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,826	02/27/2002	Frederick L. Hjortsberg	LEAR 0922 PUS	6195

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EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,826

Applicant(s)

HJORTSBERG, FREDERICK L.

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed 11/10/03 have been fully considered and entered. Claim 17 has been amended and new claims 19 and 20 have been added as requested. Applicant's arguments regarding the prior art rejections have not been found to be persuasive. As such, claims 1-20 are not patentably distinguishable over the prior art of record for reasons set forth herein.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rozek et al., US 6,204,209 in view of Kohlhammer et al., US 5,977,244. Additionally, newly added claims 19 and 20 are rejected 35 U.S.C. 103(a) as being unpatentable over Rozek et al., US 6,204,209 in view of Kohlhammer et al., US 5,977,244

Applicant argues that there is no motivation to combine the references of Rozek et al., and Kohlhammer et al. Specifically, Applicant contends that since Rozek et al., teaches a binder free porous fibrous layer there would be no motivation to combine said reference with Kohlhammer et al., which teaches a acrylic polystyrene copolymer suitable for textile use. Applicant recites that Rozek et al., does not disclose the use of any binders, let alone any aqueous binders. Thus, there is no motivation to introduce any dry copolymer into the porous fibrous structures taught by Rozek et al. These arguments are not found persuasive. Applicant is invited to re-read the Rozek et al., reference which not only teaches using a binder in sufficient

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amount to bond the fibers together in the porous fibrous batts comprising layer 12, but also in reinforcing layers 16,18, and 20 (Column 3, 47-56 and Column 4, 7-12). The only limitation Rozek et al., places on the binder is that it should not be in an amount such that it interferes with the porosity of the fibrous batt and reinforcing layers (Column 3,55 and Column 4, 14-15). In addition, Rozek et al., also teaches using a resin binder to adhere the fibrous reinforcing mats 16,18, and 20 to adjacent layers 12,14, and 22 (Column 5, 1-10).

To reiterate, The patent issued to Rozek et al., teaches an acoustical composite headliner comprising porous fibrous batt layer, a rigid form layer, bonded to each side of the porous fibrous mat with adhesive, that are porous reinforcing mats and a decorative cover layer (Abstract, Column 2, lines 48-Column 3, 5 and Figure 1). The porous fibrous non-woven mat may comprise polyester fibers that are either thermo-bonded or bound together with a sufficient amount of binder to bond the fibers together at points of intersection (Column 3, lines 5-57). The fibrous reinforcing mats are thin mats and may comprise polyester fibers reinforced with a suitable binder (Column 4, 8-15 and 54-56). Additionally, the reinforcing mats may comprise other fibers such as sisal fibers (Column 5, 60-65). Therefore, the Examiner maintains that Rozek et al., meets the structural limitations. Since it has been established that Rozek et al., teaches using binder to bond the fibers together at points of intersection as well as to adhere the fibrous reinforcing mats 16,18, and 20 to adjacent layers 12,14, and 22 and since the particular binder of Rozek et al., is not critical to the acoustical composite headliner, it is the position of the Examiner that it is proper to look to the prior art for suitable binders that are advantageous to use. Recall that the patent issued to Kohlhammer et al., teaches a powdered crosslinkable textile binder composition suitable for textile use (Title). Preferably, the powdered binder copolymer

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composition is based on monomers of styrene/butyl acrylate copolymers (Column 2, 29-45 and column 3, 5-10). Kohlhammer et al., teaches that fiber material may consist of polyester fibers, which can be formed into non-woven substrates (Column 4, 30-41). Kohlhammer et al., teaches using the powdered binder composition in an amount ranging from 5 to 30% by weight based on the fiber weight (Column 4, 41-50). With regard to Applicant's lack of motivation to combiner references, Kohlhammer et al., specifically teaches that powdered textile binder is useful to produce laminates and/or semi-finished products for the production of moldings from fibrous material (Column 4, 64-Column 5, 1-18). The motivation to use such a binder as taught is found in the disclosure of Kohlhammer et al., which teaches that powdered binders offer several advantages over aqueous binders such as eliminating the energy-intensive drying step and the wastewater treatment (Column 5, 21-30).

Thus the Examiner maintains that proper motivation exists to combine the above aforementioned references to meet the structural and chemical limitations of the instant invention.

With regard to claim 3, Applicant argues that the combination of prior art fails to teach two additional substrate layers having polyester mats with acrylic polystyrene copolymer, this argument is not found persuasive on the grounds that the combination of the prior art teaches thin reinforcing mats 16,18, and 20 comprising a polyester fibers which may be further reinforced with a suitable binder.

With regard to claim 5, Applicant argues the combination of prior art fails to teach the range of dry acrylic polystyrene copolymer by weight used. This argument is not found persuasive on the grounds that Kohlhammer et al., teaches using the powdered binder

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composition in an amount ranging from 5 to 30% by weight based on the fiber weight (Column 4, 41-50).

With regard to claim 11, Applicant argues that the combination of prior art fails to teach multi-layer panel further comprising an outer cover-stock layer and an adhesive for adhering the cover stock to the fiber layer. This argument is not found persuasive on the grounds that Rozek et al., teaches a multi-layer composite comprising a reinforcing layer adhered with resin to the fibrous porous batt. In this instance, since the Applicant has failed to limit the material which constitutes the cover-stock layer, it is the position of the Examiner that the layering arrangement of Rozek et al., depicted in figure 1 meets the limitation of a cover-stock adhered with adhesive to porous fibrous layer. Specifically, it is the position of the Examiner that the reinforcing layer 16 which is adhered to the fibrous layer with resin meets the cover-stock layer and adhesive layer limitations (Column 5, 1-5).

With regard to claim 20, Applicant argues that the all of the limitations present in claim 20 are not taught by the combination of prior art, this argument is not found persuasive for reasons set forth above. The Examiner maintains that combination of prior art teaches the structural and chemical limitations of the instant invention.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.

January 13, 2004

Is 



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700